



U.S. Department of Justice

Office of Legislative Affairs

Washington, D.C. 20530

January 24, 2005

The Honorable F. James Sensenbrenner
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington D.C. 20515

Dear Mr. Chairman:

This letter supplements our letter of October 8, 2004, responding to the questions you submitted to Assistant Attorney General R. Alexander Acosta by your letter of March 11, 2004. Specifically, this letter transmits our response to question 20.

Please do not hesitate to call upon us if we may be of additional assistance. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

William Moschella
Assistant Attorney General

cc: ✓ The Honorable John Conyers, Jr.
Ranking Minority Member
Committee on the Judiciary

IDENTICAL LETTER SENT TO THE HONORABLE STEVE CHABOT, CHAIRMAN,
SUBCOMMITTEE ON THE CONSTITUTION, COMMITTEE ON THE JUDICIARY, WITH
A COPY TO THE HONORABLE JERROLD NADLER, RANKING MINORITY MEMBER,
SUBCOMMITTEE ON THE CONSTITUTION, COMMITTEE ON THE JUDICIARY

**Supplemental Response to Questions Posed by Minority Members
of the House Committee on the Judiciary
Arising from Hearing of March 2, 2004**

**R. Alexander Acosta
Assistant Attorney General
for the Civil Rights Division**

20. *Persons With Limited English Proficiency*

During your confirmation hearing, the committee discussed the responsibility of the Civil Rights Divisions [sic] implementation of Executive Order 13166 and its guidance, Improving Services to Services for Persons with Limited English Proficiency. Since your confirmation, there have been a number of guidances [sic] that have been published that conform to the DOJ guidance that was developed under your leadership. On August 8, 2003, prior to your confirmation, The Department of Health and Human Services issued its revised guidance for comment under EO 13166. Comments on the HHS Guidance were due on January 6, 2004. It is our understanding that many of the comments that were submitted to HHS claimed that HHS guidance did not conform to the DOJ Guidance. Based on the comments received, has HHS submitted a revised guidance to your office for approval and when do you expect the final HHS guidance will be published in the Federal Register? If not, what time frame have you established with HHS to submit a revised draft guidance to your office responding to those comments?

RESPONSE

We are committed to the implementation of Executive Order 13166 and to providing minority language access to Federal services. Indeed, during the past year, the Department of Justice hosted the first ever Federal language access conference for public and private service providers, and issued substantial guidance for funding recipients and language minorities in both printed and video formats. The Justice Department partnered with the Departments of Health and Human Services ("HHS") and Agriculture to fund these efforts. Executive Order 13166 requires that each funding agency issue guidance for its funding recipients and that prior to issuance, the Justice Department approve the guidance to ensure its consistency with Justice Department guidance. This past year saw the publication of limited English proficiency guidance by another six Federal agencies.

As you correctly state, on August 8, 2003, HHS issued its revised guidance through this process. That guidance, which was fully effective when issued, was approved by the Justice Department, as required by Executive Order 13166. As to that portion of your question relating to whether HHS plans to revise its guidance, we believe that HHS is better positioned than this Department to respond.